



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 14

Albert S. Penilla
Martine & Penilla, LLP
710 Lakeway Drive
Suite 170
Sunnyvale, CA 94085

MAILED

JUL 25 2003

Technology Center 2100

In re Application of: Sutera et al.)
Application No.: 09/430,350) DECISION GRANTING PETITION
Filed: October 29, 1999) TO ACCEPT CORRESPONDENCE AS
Attorney Docket No.: SUNMP099) TIMELY FILED UNDER 37 CFR §1.8
For: METHOD FOR REDUCING NOISE)
IN INTEGRATED CIRCUIT LAYOUTS)

This decision is in response to the request for withdrawal of holding of abandonment of this application filed on June 13, 2003. The request is being considered a petition to accept papers as timely filed under 37 CFR §1.8. This application was abandoned for failure to file a proper response to the Office action mailed October 3, 2002 (Paper No. 8).

In support of the petition, petitioners have provided (1) a copy of the Auto-Reply for facsimile transmission with a date of February 3, 2003, (2) a copy of a Request for Continued Examination accompanied by a petition for an extension of time and authorization to charge deposit account No. 50-0805, and (3) a request for entry of previously submitted amendment filed on December 3, 2002.

A copy of the USPTO Auto-Reply for facsimile transmission serves as *prima facie* evidence of receipt in the USPTO as of the date stamped thereon. Therefore, petitioner's evidence establishes that a timely response was, in fact, filed on February 3, 2003. The abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The application was not abandoned, in fact. The Office regrets any inconvenience caused by this error.

The application file is being forwarded to Technology Center support staff to process the request for continued examination.

Josie A. Ballato
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 308-0269